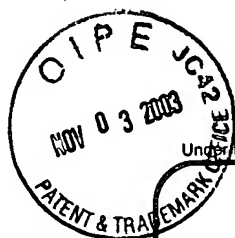


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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 10/088,771

Filing Date March 19, 2002

First Named Inventor K. Kato

Group Art Unit 1624

Examiner Name H. Liu

Total Number of Pages in This Submission 6

Attorney Docket Number 2648 USOP

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Election of Claims
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 500799.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Elaine M. Ramesh, Ph.D., JD, Reg. No. 37,293
Signature	<i>Elaine M. Ramesh</i>
Date	11/3/03

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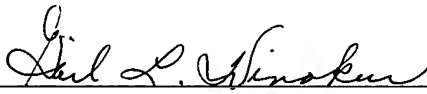
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Application No.: 10/088,771
Filed: March 19, 2002
1st Inventor: K. Kato
For: Melanin Concentrating Hormone
Antagonist
Atty. Dkt. No. 2648 USOP

Art Unit:
Examiner: H. Liu
Allowed:
Batch:
Paper No.:

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Election of Claims

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement in the Office Action mailed October 3, 2003, please consider the following remarks.

Applicants respectfully traverse the restriction requirement, and assert Groups I, VI, XI and XVI are sufficiently related as not to unduly burden the Examiner in making a search. The commonality amongst all these groups is the identity of Ar' and that R² and Y are not linked to form a ring. These groups differ in that they have been divided by the Examiner with respect to Ar¹ being either aryl or heteroaryl; and with respect to R¹ and R² as linked to form a ring or not linked to form a ring.

Applicants wish to direct the Examiner's attention to U.S. Patent No. 6,613,805, wherein such a sub-classification of the variables at either end of the molecule was not required for examination. The '805 patent is related to WO 98/38156, reference A2 on Applicants' PTO Form 1449, submitted March 19, 2001. In the '805 patent, the Ar moiety at the left end of the molecule in claim 1 is an aromatic ring which is either homocyclic or heterocyclic. For comparison purposes, in the present claims, Ar¹ is the designation for the variables at the left end of the molecule.

In addition, in claim 1 of the issued patent the variables for the right end of the molecule, R¹ and R², may or may not link to form a ring. For comparison purposes, in the present claims, R¹ and R² also designate the variables at the right end of the molecule. Accordingly, Applicants

assert that the '805 patent provides evidence that the uniting of Groups I, VI, XI and XVI will not be an insurmountable burden to examination.

Applicants respectfully request that the Examiner reconsider this restriction requirement and reunite Groups I, VI, XI and XVI for prosecution in the present application.

Should the Examiner chose to maintain the present grouping of the claims, Applicants hereby elect to prosecute the claims of Group XI and provisionally elect the species represented by the compound of Example 95, 4'-fluoro-N-[6-(1-pyrrolidinylmethyl)-7,8-dihydro-2-naphthalenyl][1,1'-biphenyl]-4-carboxamide illustrated on pages 220 and 221 of the specification. This compound is recited as the eighth species of claim 34.

No amendment of inventorship is necessitated by this election.

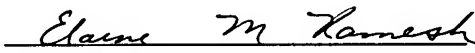
Early allowance of the claims is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, the Examiner is respectfully invited to call Applicants' attorney at the number below.

Respectfully submitted,

Date: November 3, 2003

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